

Eduard Klinkovich
583 19th Ave.
San Francisco, CA 94121

FILED
JUN 15 AM 11:20
CLERK OF U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Ma
Xs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDL

EDUARD KLINKOVICH,

Plaintiff,

vs.

ALBERTO R. GONZALES, Attorney
General of the United States; MICHAEL
CHERTOFF, Secretary of the Department
of Homeland Security; EMILIO T.
GONZALEZ, Director, United States
Citizenship and Immigration Services;
ROBERT S. MUELLER, III, Director of
FBI Federal Bureau of Investigation

Defendants.

C 07

3157

Case No.

COMPLAINT FOR NATURALIZATION

I. This is a lawsuit brought by Eduard Klinkovich, to obtain naturalization by this court pursuant to 8 U.S.C. §1447(b). This court has exclusive jurisdiction to make a determination on his applications, since it is more than 120 days since interview by United States Citizenship and Immigration Services. I requests that the Court grant me naturalization applications, and give me oaths of citizenship. I meet all the statutory eligibility requirements for citizenship.

PARTIES

2. Plaintiff, EDUARD KLINKOVICH am citizen of Republic of Georgia and a permanent resident since 1993. I reside in San Francisco, CA. I am married to, and resides with, my wife, Deanna Klinkovich, and my U.S. citizen children, Emily Klinkovich and Ilona Klinkovich, I seek an order granting me citizenship

3. Defendant Alberto Gonzales, Attorney General of the United States.

4. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security.

5. Defendant EMILIO T. GONZALEZ is Director of United States Citizenship and Immigration Services.

6. Defendant ROBERT S. MUELLER, III, Director of FBI Federal Bureau of Investigation.

JURISDICTION

7. This Court has jurisdiction pursuant 8 U.S.C. § 1447(b) (jurisdiction for hearing on naturalization in certain cases of delay).

STATEMENT OF THE FACTS

8. EDUARD KLINKOVICH has been self employed by Fashion Exchange as a co-owner since 1999

9. I filed N-400 naturalization applications with filing fees on 10/03/2002 . I was fingerprinted by defendants on 11/02/2002. I attended interviews on his N-400 applications, on 06/27/2003 at the San Francisco USCIS office. I was told at the interview that I had

1 passed the English language, history and government tests, and that I had met the residence
2 requirements and other eligibility requirements.

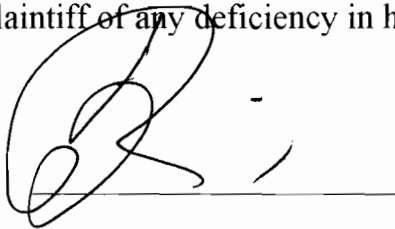
3
4 10. At the [06/27/2003] interview, I was also told that I could not be given final
5 approval and the oath of citizenship until the defendants had completed a "name check".

6
7 11. I have met all the eligibility requirements for naturalization. I has met the
8 residence requirements, are of good moral character, are attached to the Constitution, and
9 have passed the English, history and government tests.

10
11 12. I inquired of defendants on
12 [12/01/2003,01/30/2004,04/08/2004,06/10/2004,10/14/2004,02/26/2005,] about the status of
13 his application, and was told that it was still pending. I took time off from work on
14 [12/01/2003,01/30/2004,04/08/2004,06/10/2004,10/14/2004,02/26/2005] to check on the
15 status of his applications. After waiting three to four hours, I was told that my applications
16 were still pending, the same answer I have been given every time I inquired since the
17 [06/27/2003] interview. I need approval of his applications because I need a United States
18 passport to facilitate travel, want to vote

19
20
21 13. Since the date of interview, it has been over [3 years in excess of the 120-day
22 statutory grace period, but USCIS has not made a decision on his application, nor has it
23 informed plaintiff of any deficiency in his applications.

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25
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Plaintif

EXHIBITS

- A. Notification of receipt of application N400 "Application For Naturalization" and fees paid dated October 03, 2002
- B. Receipt of Fingerprinting dated November 06, 2003
- C. "Naturalization Interview Results" noting that I have passed the English and US history tests and stating that "Decision cannot be made"
- D. "Citizenship Inquiry" dated December 01, 2003
- E. Citizenship Inquiry" dated January 30, 2004
- F. Citizenship Inquiry" dated April 08, 2004
- G. Citizenship Inquiry" dated October 14, 2004
- H. Citizenship Inquiry" dated April 26, 2005
- I. Receipt of Re-Fingerprinting dated January 31, 2004 (first fingerprints expired)
- J. Mail Response to "Citizenship Inquiry" dated February 20, 2004 to (Exhibit E)
- K. Mail Response to "Citizenship Inquiry" dated June 08, 2004 to (Exhibit F)
- L. Mail Response to "Citizenship Inquiry" dated May 10, 2005 to (Exhibit H)

THE UNITED STATES OF AMERICA

Receipt			NOTICE DATE October 03, 2002
CASE TYPE N400 Application For Naturalization			INS A# A 071 137 000
APPLICATION NUMBER WSC*000877257	RECEIVED DATE September 20, 2002	PRIORITY DATE September 20, 2002	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS

EDUARD KLINKOVICH
583 19TH AVE
SAN FRANCISCO CA 94121

PAYMENT INFORMATION:

Single Application Fee: \$310.00
Total Amount Received: \$310.00
Total Balance Due: \$0.00

bbbbbllllll

The above application has been received by our office and is in process. Our records indicate your personal information is as follows:

Date of Birth: July 08, 1976
Address Where You Live: 583 19TH AVE
SAN FRANCISCO CA 94121

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 460 days of this notice.

Exhibit A

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address:
US IMMIGRATION AND NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER
P.O BOX 10400
LAGUNA NIGUEL CA 92607-

INS Customer Service Number:
(949) 831-8427

APPLICANT COPY

WSC\$000973468



CITIZENSHIP INQUIRY

Date

12/01/03

A #

071137000

Date of Birth

07/08/1976

Name of Applicant
Current Address

Eduard Klinkovich
583 19th Ave
S.F. CA 94121

W

Is this your new address? () Yes (X) No

Telephone #:

415-831-5831

Type of Application involved (Form Number if known):

N 400

Date application submitted:

Date of Preliminary Interview

6/27/2003

Is this your first inquiry? (X) Yes () No

If not, Date of last inquiry

PLEASE NOTE: We will not respond if last inquiry was less than (6) six weeks ago. Time is needed to check and prepare a response. Thank you for understanding and for your cooperation.

REASON FOR THIS INQUIRY: () Change of Address (X) Status Inquiry () Other (Briefly explain below if necessary):

wants to know if he needs to submit anything
to the Svc. claims never receive request.

Exhibit D

NOT WRITE BELOW THIS LINEINS RESPONSE:

Dear applicant,
Your application is still waiting for fingerprint clearance.

Date:

12-11-03

Initials:

KC

CITIZENSHIP INQUIRY

Date

10/14/04

A #

0711 3700

Date of Birth

7/8/1976

Name of Applicant

Current Address

Edward KLINKOVICH
 52319th Ave
 SF. CA 94121

Is this your new address? () Yes

(X) No

Telephone #:

415 831-5831

N 400

Type of Application involved (Form Number if known):

Date application submitted:

9-2002

Date of Preliminary Interview

6-27-2002

Is this your first inquiry? () Yes

(X) No

If not, Date of last inquiry

6-10-2004

PLEASE NOTE: We will not respond if last inquiry was less than (6) six weeks ago. Time is needed to check and prepare a response. Thank you for understanding and for your cooperation.

REASON FOR THIS INQUIRY: () Change of Address

(X) Status Inquiry

() Other (Briefly explain below if necessary):

Exhibit G

DO NOT WRITE BELOW THIS LINEINS RESPONSE:

Date:

Initials:

CITIZENSHIP INQUIRYDate 4/26/05A # 0711 3700Date of Birth 7/8/76Name of Applicant
Current Address

583 19th Ave
SF CA 94121

Is this your new address? () Yes (X) No

Telephone #:

Type of Application involved (Form Number if known):

Date application submitted:

Date of Preliminary Interview

Is this your first inquiry? () Yes (X) No

If not, Date of last inquiry

PLEASE NOTE: We will not respond if last inquiry was less than (6) six weeks ago. Time is needed to check and prepare a response. Thank you for understanding and for your cooperation.

REASON FOR THIS INQUIRY: () Change of Address

(X) Status Inquiry

() Other (Briefly explain below if necessary):

Exhibit H

DO NOT WRITE BELOW THIS LINEINS RESPONSE:

Date: _____ Initials: _____

(17)

DBI TENPRINTER Applicant Information Worksheet (AIW)

When you have completed this worksheet, turn it into the receptionist. Have this worksheet, your appointment notification letter and picture identification available.

NAME: K Linkovich Eduard
Last First Middle Suffix
 DATE OF BIRTH: 1976 07 08 PHONE #: 415 831 5831
Year Month Day

PLACE OF BIRTH: USSR SEX: (Male or Female) Male

RACE: Check the most appropriate code below:

☐ American Indian or Alaskan Native ☐ Black ☒ White (Hispanic also check)
☐ Asian or Pacific Island ☐ Unknown

HEIGHT: 6 Feet 2 Inches WEIGHT: 210 Pounds

EYE COLOR: Check the most appropriate code below:

☐ Black ☐ Brown ☒ Green ☐ Gray ☐ Pink

Exhibit I

HAIR COLOR: Check the most appropriate code below:

☒ Black ☐ Bald ☐ White ☐ Sandy ☐ Red ☐ Gray ☐ Blonde ☐ Brown

COUNTRY OF CITIZENSHIP: USA SX

SOCIAL SECURITY NUMBER: 613 -- 56 -- 2626

ALIEN REGISTRATION NUMBER: A 71137000

LIST ANY OTHER NAMES YOU HAVE USED:

KLINKOVICH EDUARD BOBISOVICH
Last First Middle Suffix

RESIDENCE ADDRESS:

583 19th Ave SF CA 94121
Street number and name Apartment # City State Zip Code

REASON FOR FINGERPRINT APPLICATION: (I-485, I-589, I-600, I-821, N-400): N400

LOCAL AIW STAMP	
FD-258 Completed at INS/ASC:	<u>SFR / XTD</u>
On: <u>1/31/04</u>	By: <u>641</u>
QC Check Completed By:	<u>15798</u>

U.S. Department of Homeland Security
San Francisco, CA 94111



U.S. Citizenship
and Immigration
Services

EDUARD VLINKOVICH
583 19TH AVE
SAN FRANCISCO, CA 94121

A71137000

App Id:

2-20-04

fgv

Re: Pending N-400 for Background Check

Exhibit J

This is in response to your recent inquiry. A review of your application shows that your Form N-400, Application for Naturalization, is still pending for the completion of all necessary background checks. Unfortunately a decision on your application cannot be made until all required security checks have been completed. All cases pending for security checks are regularly reviewed for any new cases that have cleared. We apologize for the delay and request your cooperation and patience in waiting for these important checks to be completed.

Thank you for your cooperation and patience.

U.S. Citizenship and Immigration Services
630 Sansome Street
San Francisco CA 94111

U.S. Department of Homeland Security
San Francisco, CA 94111



U.S. Citizenship
and Immigration
Services

EDUARD KLINKOVICH
583 19TH AVENUE
SAN FRANCISCO CA 94121

File No. A071 137 000

App Id:

Date: June 10, 2004

Officer: YH

Re: Pending N-400 for Background Check

Exhibit K

This is in response to your recent inquiry. A review of your application shows that your Form N-400, Application for Naturalization, is still pending for the completion of all necessary background checks. Unfortunately a decision on your application cannot be made until all required security checks have been completed. All cases pending for security checks are regularly reviewed for any new cases that have cleared. We apologize for the delay and request your cooperation and patience in waiting for these important checks to be completed.

Thank you for your cooperation and patience.

U.S. Citizenship and Immigration Services
630 Sansome Street
San Francisco CA 94111

U.S. Department of Homeland Security
San Francisco, CA 94111



**U.S. Citizenship
and Immigration
Services**

EDUARD KLINKOVICH
583 -- 19TH AVENUE
SAN FRANCISCO, CA 94121

File No. A071137000

App Id:

Date: 5/10/05

Officer: FS

A Note to Our Applicants Regarding National Security Checks:

A final Decision cannot be made on any application for naturalization until national security checks are complete and the local US CIS office receives a response.

This process can take many months. Authorities in the Washington D.C. area complete the checks and this office has no control over the pace of their completion. **In fact, it is not unusual for the checks to take well over six months.**

It is important to understand that your case is not the only one. At any given time, there are many hundreds of this office's cases pending due to national security checks and that a significant portion of the checks take more than six months. Cases with pending security checks are queried every week to ensure that those that have cleared are acted on in a timely manner.

I thank you for your patience and, with this information in mind, I ask that you wait at least 120 days from the date of your interview before making any inquiries into the status of your case. This will help us use our personnel more efficiently to complete cases rather than diverting them to answer premature status inquiries.

I note that you were interviewed on June 27, 2003 for naturalization.

Sincerely,

A handwritten signature in black ink, appearing to read "David N/ Still".

David N/ Still
District Director

Exhibit L
3 PAGES

CITIZENSHIP INQUIRY

Date

4/26/05

20A #

0711 3700

Date of Birth

7/8/76

Name of Applicant

Current Address

ROUTING AND TRANSMITTAL SLIP

Date

APR 26 2005

TO: (Name, office symbol, room number,
building, Agency/ Post)

Initials

Date

1.

2.

3.

4.

5.

Approval

As Requested

Circulate

Comment

Coordination

For Clearance

For Correction

Note and Return

Per Conversation

Prepare Reply

See Me

Signature

NATZ.

ATTN: LYNN

Peterson

31-5831

6-27-2003

10-14-2004

is needed to check and prepare a

(Briefly explain below if necessary):

REMARKS

Per SDAO Barnett, said to try your best to get this man cleared out. This applicant comes faithfully to US and IND. his status and everytime he gets really frustrated as well as the I/Os Thanks. Jamie

DO NOT use this form as a RECORD of approvals, concurrences, disposals, etc.

FROM: (Name, office symbol, Agency/ Post)

Room No. — Bldg.

Phone No.

NSN 7540-00-935-5862
5041-103OPTIONAL FORM 41 (Rev. 1-94)
Prescribed by GSA
UNICOR-FPI - 86T

Initials:

FBI NAME CHECK RESPONSE

04/26/2005

14:47:04

SEARCH CRITERIA:

C1DN : A071137000

ORI:

A-NUMBER : 071137000

NAME (L/F): KLINKOVICH

EDUARD

DATE OF BIRTH : 07/08/1976

NC REQUEST SENT: 12/03/2002

PLACE OF BIRTH :

***** FBI RESPONSE INFORMATION *****

FBI RESPONSE DESC : PENDING

DATE PROCESSED BY FBI: 07/21/2003

DATE/TIME LOADED AT INS: 09/10/2003 21:00:22

FBI NAME: KLINKOVICH,EDUARD

FBI DATE OF BIRTH: 07/08/1976

PF6
PRIOR SCREENPF8
LOGOFF